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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 IRA RAY DEAN HARTFORD IV,

10 Petitioner,

11 v.

12 DAVIS,

Respondent.

Case No. C19-5771-RBL-TLF

ORDER ADOPTING REPORT AND
RECOMMENDATION

13 THIS MATTER is before the Court on Magistrate Judge Fricke's Report and
14 Recommendation [Dkt. #12], recommending that the Court dismiss petitioner's 28 U.S.C. § 2254
15 habeas corpus petition without prejudice:

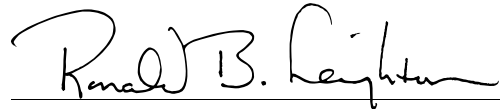
- 16 (1) the Magistrate Judge's report and recommendation is ADOPTED;
- 17 (2) petitioner's 28 U.S.C. § 2254 habeas corpus petition is DISMISSED without
18 prejudice for lack of jurisdiction and based on petitioner's failure to comply with
19 a Court order; and
- 20 (3) to the extent the petition also seeks to challenge conditions of confinement, such
21 claims are also dismissed without prejudice and with leave to re-file under 42
22 U.S.C. § 1983; and
- 23 (4) a Certificate of Appealability is DENIED; and
- 24

25 ORDER ADOPTING REPORT AND RECOMMENDATION

1 (5) the Clerk is directed to send copies of this Order to petitioner.

2 **IT IS SO ORDERED.**

3 Dated this 15th day of January, 2020.

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8 Ronald B. Leighton
9 United States District Judge
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